

### **REMARKS**

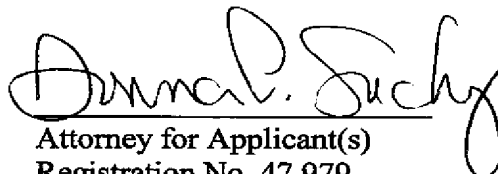
The applicant thanks the Examiner for bringing to our attention that the arguments were omitted from the September 23, 2009 submission. These remarks are included below as they were prepared for inclusion in the September 23, 2009 submission. Claim 15 has also been cancelled.

The structure of 108 in the Scalata are, which is in reference to Figure 3, is just a stack sensing clamp moving up and down to sense the stack height and pressing the stack down as it clamps to measure stack height. No intermediate transport mechanism can be seen in this movement. In the applicant's application "there is a gripper mouth 15 that act as intermediate transport mechanism for the sheet 9" (specification: [0017], line 9f). This "gripper mouth 15 moves relatively through a stack edge 16, where the sheet is slit out of the gripper mouth 15, and thereafter it falls onto a stack 12" (specification: [0017], line 15ff). This is a mainly horizontal movement transporting the sheets whereas the 230 patent describes are mainly vertical movement without (lateral) transportation.

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.